

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1604 be amended to read as follows:

- 1 Page 37, between lines 28 and 29, begin a new paragraph and insert:
2 "SECTION 48. IC 36-10-9-8 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The board shall
4 prepare a budget for each calendar year covering the projected
5 operating expenses, and estimated income to pay the operating
6 expenses, including amounts, if any, to be received from excise taxes
7 and ad valorem property taxes. It shall submit the budget for review,
8 approval, or rejection to the city-county legislative body. The board
9 may make expenditures only as provided in the budget as approved,
10 unless additional expenditures are approved by the legislative body.
11 However, payments to users of any capital improvement that constitute
12 a contractual share of box office receipts are neither an operating
13 expense nor an expenditure within the meaning of this section.
14 (b) If the board desires to finance a capital improvement in whole
15 or in part by the issuance of bonds under section 12 or 15 of this
16 chapter, the board shall submit the following information to the
17 city-county legislative body at least ~~fifteen (15)~~ **thirty (30)** days before
18 the adoption of a resolution authorizing the issuance of the bonds:
19 (1) A description of the project to be financed through the
20 issuance of bonds.
21 (2) The total amount of the project anticipated to be funded
22 through the issuance of bonds.
23 (3) The total amount of other anticipated revenue sources for the
24 project.
25 (4) Any other terms upon which the bonds will be issued.
26 (c) The city-county legislative body must discuss the information
27 provided in subsection (b) in a public hearing **held before the**
28 **resolution may be adopted by the board.**
29 SECTION 49. IC 36-10-9-9 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The treasurer of
31 the board is the official custodian of all funds and assets of the board

1 and is responsible for their safeguarding and accounting. He shall give
2 bond for the faithful performance and discharge of all duties required
3 of him by law in the amount and with surety and other conditions that
4 may be prescribed and approved by the board. All funds and assets in
5 the capital improvement fund and the capital improvement bond fund
6 created by this chapter and all other funds, assets, and tax revenues
7 held, collected, or received by the treasurer of the county for the use of
8 the board shall be promptly remitted and paid over by him to the
9 treasurer of the board, who shall issue receipts for them.

10 (b) The treasurer of the board shall deposit all funds coming into his
11 hands as required by this chapter and by IC 6-7-1-30.1, and in
12 accordance with IC 5-13. Money so deposited may be invested and
13 reinvested by the treasurer in accordance with general statutes relating
14 to the investment of public funds and in securities that the board
15 specifically directs. All interest and other income earned on
16 investments becomes a part of the particular fund from which the
17 money was invested, except as provided in a resolution, ordinance, or
18 trust agreement providing for the issuance of bonds or notes. All funds
19 invested in deposit accounts as provided in IC 5-13-9 must be insured
20 under IC 5-13-12.

21 (c) The board shall appoint a controller to act as the auditor and
22 assistant treasurer of the board. He shall serve as the official custodian
23 of all books of account and other financial records of the board and has
24 the same powers and duties as the treasurer of the board or the lesser
25 powers and duties that the board prescribes. The controller, and any
26 other employee or member of the board authorized to receive, collect,
27 or expend money, shall give bond for the faithful performance and
28 discharge of all duties required of him in the amount and with surety
29 and other conditions that may be prescribed and approved by the board.
30 He shall keep an accurate account of all money due the board and of all
31 money received, invested, and disbursed in accordance with generally
32 recognized governmental accounting principles and procedure. All
33 accounting forms and records shall be prescribed or approved by the
34 state board of accounts.

35 (d) The controller shall issue all warrants for the payment of money
36 from the funds of the board in accordance with procedures prescribed
37 by the board, but a warrant may not be issued for the payment of a
38 claim until an itemized and verified statement of the claim has been
39 filed with the controller, who may require evidence that all amounts
40 claimed are justly due. All warrants shall be countersigned by the
41 treasurer of the board or by the executive manager. Warrants may be
42 executed with facsimile signatures.

43 (e) If there are bonds or notes outstanding issued under this chapter,
44 the controller shall deposit with the paying agent or other paying officer
45 within a reasonable period before the date that any principal or interest
46 becomes due sufficient money for the payment of the principal and
47 interest on the due dates. The controller shall make the deposit with

1 money from the sources provided in this chapter, and he shall make the
 2 deposit in an amount that, together with other money available for the
 3 payment of the principal and interest, is sufficient to make the payment.
 4 In addition, the controller shall make other deposits for the bonds and
 5 notes as is required by this chapter or by the resolutions, ordinances, or
 6 trust agreements under which the bonds or notes are issued.

7 (f) The controller shall submit to the board at least annually a report
 8 of his accounts exhibiting the revenues, receipts, and disbursements
 9 and the sources from which the revenues and receipts were derived and
 10 the purpose and manner in which they were disbursed. The board may
 11 require that the report be prepared by an independent certified public
 12 accountant designated by the board. **The board shall submit an**
 13 **annual report of revenues, receipts, and disbursements and the**
 14 **sources from which the revenues and receipts were derived and the**
 15 **purpose and manner in which they were disbursed to the**
 16 **city-county legislative body. The state board of accounts shall audit**
 17 **annually the accounts, books, and records of the board. The**
 18 **city-county legislative body shall discuss the board's financial**
 19 **report and the state board of accounts audit report in a public**
 20 **hearing.** The handling and expenditure of funds is subject to ~~audit and~~
 21 supervision by the state board of accounts.

22 SECTION 50. IC 36-10-9-12 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A capital
 24 improvement may be financed in whole or in part by the issuance of
 25 bonds payable, to the extent stated in the resolution or trust agreement
 26 providing for the issuance of the bonds, solely from one (1) or more of
 27 the following sources:

28 (1) Net income received from the operation of the capital
 29 improvement and not required to be deposited in the capital
 30 improvement bond fund under section 11 of this chapter.

31 (2) Net income received from the operation of any other capital
 32 improvement or improvements and not required to be deposited
 33 in the capital improvement bond fund under section 11 of this
 34 chapter.

35 (3) Money in the capital improvement bond fund available for
 36 that purpose.

37 (4) Money in the capital improvement fund available for that
 38 purpose.

39 (5) Any other funds made available for that purpose.

40 The resolution or trust agreement may pledge all or part of those
 41 amounts to the repayment of the bonds and may secure the bonds by a
 42 lien on the amounts pledged.

43 (b) If the board desires to finance a capital improvement in whole
 44 or in part as provided in this section, it shall adopt a resolution
 45 authorizing the issuance of revenue bonds. The resolution must state
 46 the date or dates on which the principal of the bonds will mature (not
 47 exceeding forty (40) years from the date of issuance), the maximum

1 interest rate to be paid, and the other terms upon which the bonds will
2 be issued.

3 (c) The board shall submit the resolution **to the city-county**
4 **legislative body, which shall review the resolution and may**
5 **approve or reject the resolution. If the city-county legislative body**
6 **approves the resolution, the board shall submit the resolution to the**
7 executive of the consolidated city, who shall review it. If the executive
8 approves the resolution, the board shall take all actions necessary to
9 issue bonds in accordance with the resolution. The board may, under
10 section 13 of this chapter, enter into a trust agreement with a trust
11 company as trustee for the bondholders. An action to contest the
12 validity of bonds to be issued under this section may not be brought
13 after the fifteenth day following:

14 (1) the receipt of bids for the bonds, if the bonds are sold at public
15 sale; or

16 (2) the publication one (1) time in a newspaper of general
17 circulation published in the county of notice of the execution and
18 delivery of the contract of sale for the bonds;

19 whichever occurs first.

20 (d) Bonds issued under this section may be sold at public or private
21 sale for the price or prices that are provided in the resolution
22 authorizing the issuance of bonds. All bonds and interest are exempt
23 from taxation in Indiana as provided in IC 6-8-5.

24 (e) When issuing revenue bonds, the board may covenant with the
25 purchasers of the bonds that any funds in the capital improvement fund
26 may be used to pay the principal on, or interest of, the bonds that
27 cannot be paid from any other funds.

28 (f) The revenue bonds may be made redeemable before maturity at
29 the price or prices and under the terms that are determined by the board
30 in the authorizing resolution. The board shall determine the form of
31 bonds, including any interest coupons to be attached, and shall fix the
32 denomination or denominations of the bonds and the place or places of
33 payment of the principal and interest, which may be at any bank or trust
34 company within or outside Indiana. All bonds must have all the
35 qualities and incidents of negotiable instruments under statute.
36 Provision may be made for the registration of any of the bonds as to
37 principal alone or to both principal and interest.

38 (g) The revenue bonds shall be issued in the name of the county and
39 must recite on the face that the principal of and interest on the bonds
40 is payable solely from the amounts pledged to their payment. The
41 bonds shall be executed by the manual or facsimile signature of the
42 president of the board, and the seal of the county shall be affixed or
43 imprinted on the bonds. The seal shall be attested by the manual or
44 facsimile signature of the auditor of the county. However, one (1) of the
45 signatures must be manual, unless the bonds are authenticated by the
46 manual signature of an authorized officer or a trustee for the
47 bondholders. Any coupons attached must bear the facsimile signature

1 of the president of the board.

2 (h) This chapter constitutes full and complete authority for the
3 issuance of revenue bonds. No law, procedure, proceedings,
4 publications, notices, consents, approvals, orders, acts, or things by the
5 board or any other officer, department, agency, or instrumentality of the
6 state or any political subdivision is required to issue any revenue bonds
7 except as prescribed in this chapter.

8 (i) Revenue bonds issued under this section are legal investments
9 for private trust funds and the funds of banks, trust companies,
10 insurance companies, building and loan associations, credit unions,
11 banks of discount and deposit, savings banks, loan and trust and safe
12 deposit companies, rural loan and savings associations, guaranty loan
13 and savings associations, mortgage guaranty companies, small loan
14 companies, industrial loan and investment companies, and other
15 financial institutions organized under statute.

16 SECTION 51. IC 36-10-9-15, AS AMENDED BY P.L.146-2008,
17 SECTION 797, IS AMENDED TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) A capital improvement may
19 be financed in whole or in part by the issuance of general obligation
20 bonds of the county.

21 (b) If the board desires to finance a capital improvement in whole
22 or in part as provided in this section, it shall have prepared a resolution
23 to be adopted by the board of commissioners of the county authorizing
24 the issuance of general obligation bonds. The resolution must state the
25 date or dates on which the principal of the bonds is payable, the
26 maximum interest rate to be paid, and the other terms upon which the
27 bonds shall be issued. The board shall submit the proposed resolution
28 to the ~~board of commissioners of the county~~, **city-county legislative**
29 **body**, together with a certificate to the effect that the issuance of bonds
30 in accordance with the resolution will be in compliance with this
31 section. The certificate must also state the estimated annual net income
32 of the capital improvement to be financed by the bonds, the estimated
33 annual tax revenues, and the maximum amount payable in any year as
34 principal and interest on the bonds issued under this chapter, including
35 the bonds proposed to be issued, at the maximum interest rate set forth
36 in the resolution. The bonds issued may mature over a period not
37 exceeding forty (40) years from the date of issue.

38 (c) Upon receipt of the resolution and certificate, the ~~board of~~
39 ~~commissioners of the county may adopt them and city-county~~
40 **legislative body shall review the resolution and may approve or**
41 **reject the resolution. If the city-county legislative body approves**
42 **the resolution, the board shall submit the resolution to the**
43 **executive of the consolidated city, who shall review it. If the**
44 **executive approves the resolution, the board shall** take all action
45 necessary to issue the bonds in accordance with the resolution. An
46 action to contest the validity of bonds issued under this section may not
47 be brought after the fifteenth day following the receipt of bids for the

- 1 bonds.
- 2 (d) The provisions of all general statutes relating to:
- 3 (1) the filing of a petition requesting the issuance of bonds and
- 4 giving notice;
- 5 (2) the right of:
- 6 (A) taxpayers and voters to remonstrate against the issuance of
- 7 bonds in the case of a proposed bond issue described by
- 8 IC 6-1.1-20-3.1(a); or
- 9 (B) voters to vote on the issuance of bonds in the case of a
- 10 proposed bond issue described by IC 6-1.1-20-3.5(a);
- 11 (3) the giving of notice of the determination to issue bonds;
- 12 (4) the giving of notice of a hearing on the appropriation of the
- 13 proceeds of bonds;
- 14 (5) the right of taxpayers to appear and be heard on the proposed
- 15 appropriation;
- 16 (6) the approval of the appropriation by the department of local
- 17 government finance; and
- 18 (7) the sale of bonds at public sale for not less than par value;
- 19 are applicable to the issuance of bonds under this section."
- 20 Renumber all SECTIONS consecutively.
- (Reference is to EHB 1604 as printed April 7, 2009.)

Senator MILLER